

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

SANDRA SANCHEZ-MARIN

Petitioner

VS.

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 1:21-CV-068
CRIMINAL NO. 1:19-CR-089

ORDER

Plaintiff Sandra Sanchez-Marin filed a Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct her Sentence by a Person in Federal Custody (Doc. 1), alleging that her defense counsel provided ineffective assistance. The Government moved for summary judgment on the grounds that Sanchez-Marin's Motion is time-barred and, in the alternative, substantively meritless. (Motion for Summary Judgment, Doc. 14)

A United States Magistrate Judge recommends that the petition be denied as untimely filed. (R&R, Doc. 18) No party filed objections to the Report and Recommendation, and the Court finds no plain error within it.

As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 18). It is:


ORDERED that Defendant United States of America's Motion to Dismiss as Untimely Filed, Motion for Summary Judgment, and Response (Doc. 14) is **GRANTED**; and

ORDERED that all claims against the United States by Petitioner Sandra Sanchez-Marin in her Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 1) are **DISMISSED WITH PREJUDICE** as untimely filed.

In addition, the Court finds that no outstanding issue would be debatable among jurists of reason, and that Sanchez-Marin fails to make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Accordingly, the Court **DENIES** a Certificate of Appealability.

The Clerk of Court is directed to close this matter.

Signed on January 7, 2022.


Fernando Rodriguez, Jr.
United States District Judge